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#

**PIPER MARBURY
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DOCKET NO.: 9491-033-27

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Serial No.: 08/948,149
Applicant(s): BRIAN M. FENDLY, ET AL.
Filing Date: OCTOBER 9, 1997
For: ANTI-ERBB2 ANTIBODIES
Group Art Unit: 1645
Examiner: SWARTZ, R.

SIR:

Attached hereto for filing are the following papers:

FEE TRANSMITTAL
REQUEST FOR EXTENSION OF TIME (3 MONTHS)
NOTICE OF APPEAL

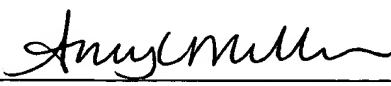
Our check in the amount of \$ 1,200.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

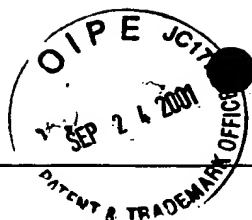
09-24-01

Date



Steven B. Kelber
Attorney of Record
Registration No.: 30,073

Amy L. Miller
Registration No.: 43,804



FEE TRANSMITTAL

Docket No. 9491-033-27
Serial No. 08/948,149
Filing Date OCTOBER 9, 1997
Inventor(s) BRIAN M. FENDLY, ET AL.
Group Art Unit 1645
Examiner SWARTZ, R.

TOTAL AMOUNT OF PAYMENT \$1,200.00

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1. ☐ Applicant claims small entity status.

☒ Charge any **UNDERPAYMENT** or credit any **OVERPAYMENT** in the indicated fees to Deposit Account No. 50-1442.

☐ Charge the indicated fees to Deposit Account No. 50-1442.

2. ☒ Check enclosed.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity Fee Description

Fee Code Fee (\$) Fee Code Fee (\$) Fee Paid

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description		139	130	139	130	Non-English specification	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		Fee Paid	147	2520	147	2520	Ex parte reexam. fee	
101	710	201	355	Utility filing fee		115	110	215	55	1-mo. ext. of time	
106	320	206	160	Design filing fee		116	390	216	195	2-mo. ext. of time	
107	490	207	245	Plant filing fee		117	890	217	445	3-mo. ext. of time	890.00
108	710	208	355	Reissue filing fee		118	1390	218	695	4-mo. ext. of time	
114	150	214	75	Provisional filing fee		128	1890	228	945	5-mo. ext. of time	
SUBTOTAL (1)					\$0.00	119	310	219	155	Notice of Appeal	310.00

2. EXTRA CLAIM FEES

tot. claims		-	20*	=	0	x	\$18	=	0	121	270	221	135	Request for Oral Hearing	
ind. claims		-	3*	=	0	x	\$80	=	0	142	1240	242	620	Utility/Reissue Issue Fee	
<input type="checkbox"/>	Multiple Dependent Claims				\$270	=				143	440	243	220	Design Issue Fee	
Large Entity	Small Entity	Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
109	18	203	9	Claims in excess of 20	126	180	126	180	IDS Submission						
102	80	202	40	Independent claims in excess of 3	581	40	581	40	Assignment						
104	270	204	135	Multiple dependent claim, if not paid	179	710	279	355	For Filing RCE						
109	80	209	40	*Reissue independent claims over original patent	169	900	169	900	Expedited Design						
110	18	210	9	*Reissue claims in excess of 20 and over original patent	OTHER (indicate below):										

SUBTOTAL (2) \$0.00

* or number previously paid, if greater; For Reissues, see above

SUBTOTAL (3) \$1,200.00

Name	Steven B. Kelber	Registration No.	30,073
Signature		Date	09-24-01
Name	Amy L. Miller	Telephone	202-861-3900
		Registration No.	43,804

DOCKET NO. 9491-033-27

26
JM
10/16/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BRIAN M. FENDLY, ET AL. ART UNIT: 1645
SERIAL NO.: 08/948,149 EXAMINER: SWARTZ, R.
FILING DATE: OCTOBER 9, 1997



FOR: ANTI-ERBB2 ANTIBODIES

NOTICE OF APPEAL

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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SIR:

Applicants hereby appeal to the Board of Appeals from the decision dated **March 23, 2001**.

The items checked below are appropriate:

- ☐ A Request for Extension of Time Under 37 C.F.R. 1.136 was filed for ___ months.
 - ☐ A timely response to the final rejection was filed on
 - ☒ A Request for Extension of Time for filing the Notice of Appeal is attached.
- Fee: ☒ \$310.00 (large entity) ☐ \$155.00 (Applicant claims small entity status.)
- ☒ Is enclosed.
 - ☐ Please charge Deposit Account No. 50-1442 (an additional copy of this Notice is enclosed).
 - ☒ Please charge any additional fees or credit any overpayment of fees required for filing the Notice of Appeal to Deposit Account No. 50-1442. A duplicate copy of this Notice is enclosed.
 - ☒ If this Notice is not considered timely by the U.S. Patent and Trademark Office, then a request is hereby made under 37 C.F.R. 1.136, and any additional fees required for any necessary extension of time may be charged to Deposit Account No. 50-1442. A duplicate copy of this Notice is enclosed.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

Steven B. Kelber
Registration No. 30,073
Attorney of Record

09-24-01

Date

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Amy L. Miller
Registration No. 43,804